

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BILL LIETZKE,

Plaintiff,

v.

CITY OF PHILADELPHIA, et. al.

Defendants.

Case No.: 3:20-cv-00092-RCJ-WGC

**Report & Recommendation of
United States Magistrate Judge**

Re: ECF No. 1, 1-1

This Report and Recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff has filed an application to proceed in forma pauperis (IFP) (ECF No. 1) (which he has not signed) and pro se complaint (ECF No. 1-1). Plaintiff, who is a resident of Alabama, sues the City of Philadelphia. His complaint alleges that on August 2, 2019, City of Philadelphia police officers unlawfully restrained, seized and falsely arrested and imprisoned him. He asserts that this violates his rights under the First, Second, Third, fourth, Fifth and Sixth Amendments.

Plaintiff has filed numerous applications to proceed IFP and complaints in this district, and others, including the District of Idaho, Eastern District of California, the Northern District of California, the District of Oregon, the District of Maine, the District of Montana, the Eastern District of Michigan, as well as the Middle District of Alabama, against various defendants. (*See e.g., Lietzke v. County of Montgomery*, No. 06-1410-ST, 2007 WL 201054 (D. Or. Jan. 22, 2007); *Lietzke v. County of Montgomery*, No. 1:12-cv-00145-EJL-CWD, 2012 WL 5449623 (D. Id. May. 29, 2012); 2:13-cv-01023-JCM-GWF; 3:14-cv-00177-RCJ-WGC; 3:14-cv-00371-MMD-VPC;

1 3:14-cv-00176-MMD-VPC; 3:14-cv-00197-MMD-WGC; 2:16-cv-02818-RFB-NJK; 3:16-cv-
2 00735-MMD-WGC; 3:17-cv-00040-MMD-WGC; *Lietzke v. City of Montgomery*, 2018 WL
3 4677837 (M.D. Al. Aug. 8, 2018, noting cases); *Lietzke v. City of Montgomery*, No. 2:18-cv-
4 02393-KJM-KJN PS, 2018 WL 4699978 (E.D. Cal. Oct. 1, 2018); *Lietzke v. Greyhound Lines,*
5 *Inc.*, Case No. 18-cv-06197-DMR, 2019 WL 144586 (N.D. Cal. Jan. 9, 2019); 3:19-cv-00559-
6 MMD-WGC; 3:19-cv-00570-MMD-WGC.)

7 These actions have been dismissed or transferred for defects in personal jurisdiction and
8 venue, or other procedural and substantive defects. Plaintiff has been advised repeatedly that venue
9 is improper in these districts (other than the Middle District of Alabama and now possibly the
10 Eastern District of Pennsylvania), yet Plaintiff persists in filing similar lawsuits. Faced with yet
11 another of these lawsuits, District Judge Mahan entered an order on February 2, 2018, in case 2:17-
12 cv-2873-JCM-VCF, declaring Plaintiff to be a vexatious litigant under 28 U.S.C. § 1651(a), and
13 enjoined and prohibited Plaintiff from filing any new complaint, petition or other action in this
14 court without first obtaining leave from the Chief Judge of this court. The order stated that the
15 clerk is authorized to reject, refuse to file, and discard any new complaint, petition or other new
16 action in violation of this order. *See Lietzke v. City of Montgomery*, 2:17-cv-2873-JCM-VCF, 2018
17 WL 702889 (D. Nev. Feb. 2, 2018).

18 Plaintiff did not obtain leave from the Chief Judge to file this action. In addition, this case,
19 like his others, is not properly venued in Nevada and it appears jurisdiction is lacking. For these
20 reasons, Plaintiff's application to proceed IFP should be denied and the action dismissed.

RECOMMENDATION


IT IS HEREBY RECOMMENDED that the District Judge enter an order **DENYING** Plaintiff's application to proceed IFP (ECF No. 1), and **DISMISSING** this action.

The Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: March 24, 2020.



William G. Cobb
United States Magistrate Judge